

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

CONCORD CITY EMPLOYEES - LOCAL #1580
American Federation of State, County & Municipal:
Employees - AFL-CIO

Case No. A-0417:1

and

Decision No. 780013

CITY OF CONCORD, NEW HAMPSHIRE

APPEARANCES

CONCORD CITY EMPLOYEES - LOCAL #1580: James J. Barry, Jr., Esquire, Counsel
James C. Anderson,

CITY OF CONCORD, NEW HAMPSHIRE: Paul F. Cavanaugh, City Solicitor,
Joseph C. Musumeci, Personnel Director

FINDINGS

During the course of negotiations between the Union and the City for a collective bargaining agreement, which began in May, 1977, negotiations broke down concerning allegations by the Union that the City had unilaterally made changes in the work done by members of the bargaining unit and the hours of overtime or weekend work in connection with the Water Department. Alleging an unfair labor practice, the Union ceased negotiations.


A hearing was held November 17, 1977 in Concord before the Board. Testimony was given by various witnesses concerning the alleged unilateral actions and at the end of the hearing the parties were ordered back to the negotiating table to continue their negotiations pending a decision on the charges.

The Board has considered the evidence, and cannot determine from the evidence presented, which was confused and incomplete, exactly what the charge by the Union is. The Board is unable to tell whether work schedules were in fact changed, whether individuals were assigned or re-assigned work based on competence or other factors and whether in fact the employer did or did not engage in any unfair labor practices. Since the burden of proof in connection with an unfair labor charge is on the party bringing the charge and since the evidence presented at the hearing was insufficient for the Board to be able to make a determination concerning the charge, the Board is unable to find that the City of Concord did in fact commit an unfair labor practice. The Board therefore makes the following order:

ORDER

The parties are ordered to continue negotiations as ordered at the hearing on November 17, 1977. The Board finds in connection with the unfair labor practice charge brought that the charging party has provided insufficient information and testimony to the Board for finding an unfair labor practice. The charge is therefore dismissed.

Date April 4, 1978



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Also present Members Moriarty and Cummings. Member Anderson took no part in the consideration or decision of this case. Board Counsel Bradford Cook also present.